

Justice Committee

Oral evidence: [The future of the probation service](#),
HC 285

Tuesday 13 October 2020

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Members present: Sir Robert Neill (Chair); Paula Barker; Richard Burgon; Rob Butler; James Daly; Miss Sarah Dines; Andy Slaughter.

Questions 70 - 104

Witnesses

[I](#): Laura Seebom, Executive Director, External Affairs, Changing Lives; Jessica Mullen, Director of Influence and Communications, Clinks; and Mat Ilic, Chief Development Officer, Catch22.

[II](#): David Lloyd, Police and Crime Commissioner for Hertfordshire, Representative from the Association of Police and Crime Commissioners.

[III](#): Ian Lawrence, General Secretary, Napo; Katie Lomas, National Chair, Napo; and Ben Priestley, National Officer for Probation, UNISON.



Examination of witnesses

Witnesses: Laura Seebohm, Jessica Mullen and Mat Ilic.

Chair: Good afternoon and welcome to this session of the Justice Committee. We are continuing our evidence sessions on the future of the probation service. I am very grateful to the witnesses who have joined us for our first panel, one of three panels of witnesses we have today. There is quite a lot to get through, but we will try to keep it as sharp and snappy as we can. A number of your organisations have sent in written submissions, so we have those in addition.

When we start, we have to go through a formal process of declaring Members' interests. I am a non-practising barrister and a consultant to a law firm.

Rob Butler: Prior to my election, I was non-executive director of HM Prison and Probation Service, and I was the magistrate member of the Sentencing Council.

Miss Dines: I am a barrister, but I have not taken a case since my election.

Richard Burgon: Prior to being elected, I was a practising solicitor.

Q70 **Chair:** That is to put our form in, so to speak. I welcome our first panel of witnesses: Laura Seebohm, executive director of external affairs at Changing Lives; Jessica Mullen, director of influence and communications at Clinks; and Mat Ilic, chief development officer of Catch22. Thank you all very much for coming to give evidence to us.

I would be interested to have your views on where we are going with Transforming Rehabilitation, where the reforms were, the changes back, and what the impact of that is on the voluntary sector that you represent in various ways. It is the second major reform, in effect, in five years, isn't it? That is quite a lot of upheaval. Do you think this one is going to offer us a solution that sticks? Obviously, Transforming Rehabilitation did not. Are we likely to be in a better place?

Jessica Mullen: The overarching thing from the perspective of the voluntary sector is that, in these new reforms, the foundations for what is needed for the voluntary sector to work alongside statutory services and provide the essential support so that people can complete their sentences are probably there. There is more recognition than ever before of the role of the voluntary sector, which is followed by resource for the kinds of services that our sector has experience and expertise in providing, certainly by years three and four of the new programme. There are also opportunities for partnership working in the unified service and some of the emerging local structures.

What has been particularly sustained from TR is the marketisation of the relationship between the probation service and the voluntary sector. That



reflects the way in which the voluntary sector is currently viewed across Government as a market from which to buy services, as opposed to a strategic and equal partner in working to provide support and meet the needs of people to get positive outcomes.

That, if anything, has the risk of meaning that the voluntary sector's involvement will not be as embedded as it needs to be in order for the reforms to be effective in the other things that they are trying to achieve.

Laura Seebom: I agree with lots of what Jess said. It is very hopeful, in that a national probation service with a very clear remit is more likely to bring together a very integrated and co-ordinated experience for people in the criminal justice system, and should reduce fragmentation. We welcome in the sector that the investment in the dynamic framework means that we are, as a sector, an integral part of the model. That gives us the opportunity to do what we do best. So many of the levers of crime fall outside the criminal justice system, and it allows us to really work towards desistance for people.

We have concerns that the dynamic framework and what is happening is still going to very much favour larger organisations, and it is still an incredibly difficult landscape for some of our small, specialist partners in the voluntary and community sector. We have some concerns around what it looks like in the commissioning process. However, overall, the focus on regional directors and a more regional approach means that it can be much more responsive to local need, and we welcome that. There are positives, but we have some concerns and caveats.

Mat Ilic: I agree broadly with everything that has been said. The previous system was very much characterised by fragmentation, and division and discord between the National Probation Service, and its role in managing high-risk offenders, and community rehabilitation companies, as the outsourced privatised element of service delivery. I suppose the new system runs the risk of creating another form of fragmentation, as Laura said.

Broadly, structurally, the direction of travel feels much better; some of the commitments seem much more solid, and there is recognition of some of the previous challenges. I suppose it is down particularly to the likes of ourselves, along with other actors, including the National Probation Service more than anyone, to try to build the system from day one. Rather than seeing the current exercise as the end, it is almost the beginning of a process that will take some time to bed down. It has potential to carry much more enduring change, but it will need all sides to work together to try to land some of the changes that have been implemented.

Q71 **Richard Burgon:** To what extent do you think that the new model addresses the problems of Transforming Rehabilitation for the voluntary sector?



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Mat Ilic: I will point to two immediate advantages that I can see from the way that services are currently being shaped and commissioned. The first is that there is a very clear delineation between the statutory duty and the legal responsibility of the probation service in enforcing the order of the court, and what is otherwise going to count towards a rehabilitative and enabling activity, where I think our sector is much better positioned to help.

From a commercial perspective, while I completely agree with everything that Jess said, the general lack of coherence in how Government typically buy services is quite central to how Government go about their business. There are two advantages in what the MOJ is doing in the current sphere. One is that they have almost given up the idea of using a payment by results model, which in the previous structure was hugely prohibitive.

They have also organised some of the packages in a way that probably lends itself much more to the voluntary sector than the private sector in the past. Although, again, I agree with Laura that some really small organisations might still struggle to play a part in the future shape, the current competition is much more sympathetic towards the voluntary sector in many ways.

Laura Seebohm: I very much agree with what Mat says. This gives us much more potential to be more creative and innovative in doing what we know works best to support people to move away from the criminal justice system and sustain that change. It gives us the potential to include more people with lived experience and, regionally, for the third sector in some ways to be in equal partnership in co-producing, and also the potential for regional and local understanding and co-commissioning with PCCs and other strategic leaders in an area.

One of the shames of Transforming Rehabilitation was that in some ways the probation service or CRCs became disconnected from other public services in the voluntary and community sector and what was actually happening in local areas in strategic partnerships. Other than multi-agency risk meetings, generally the probation service was nowhere to be seen, and that was a real shame. The new model gives the opportunity for the probation service to be embedded back in communities and have a voice. As I mentioned before, so many of the factors relating to somebody being involved in the criminal justice system fall outside the probation service or the Prison Service.

Jessica Mullen: I agree broadly with most of what Mat and Laura have said, but I have a couple of points that may be of more concern. The Committee will be familiar with our research on TR, which found that the voluntary sector is under-represented, under pressure and under-resourced in the current model. That has been entirely recognised by the reform programme, and the way in which they have worked alongside us to try to understand those issues and how to address them is without doubt. Their commitment to addressing those issues is there, but there



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are a number of things in the way that services are now being commissioned that we are concerned will potentially repeat some of those issues.

In our written submission, we talked a lot about the complexity of the current commissioning process. The sector is finding it incredibly hard to engage with, particularly at the small and specialist organisations, and there is a risk that many of them will choose not to qualify, because they find it too difficult to navigate. We are only halfway through the competition process that is running for the current day one services. For the first two competitions that have run, we have started to hear feedback that there is real concern that those contracts might be underfunded.

I talked earlier about the fact that there is more money in the system for the kinds of services our sector provides than ever before, and that is certainly the case when we get to years three and four, when there is £120 million available. In the first couple of years, there is a lot less money available. The contracts require providers to spend that money on things that they do not currently spend on—things like IT infrastructure and office locations to provide services from. The feedback we are receiving is that that is using up an awful lot of the available budget, meaning that they are having to cut services to the bone and are very concerned about how they can involve smaller and specialist organisations as partners as well.

The potential is most definitely there, but some issues are starting to emerge that could risk being similar to some of the issues that we had with TR.

Q72 Richard Burgon: I want to refer to the Clinks 2018 report that Jessica has just referred to, “Under Represented, Under Pressure, Under Resourced”. It may be that Laura and Mat can answer this question because Jessica may have already answered it. That report shows how heavily the probation system relies on the work of voluntary organisations, and how unsustainable the role of the voluntary sector in the probation service has become, as it stands, and will become if there is not further change. What do you think needs to happen to change that unsustainability and put the role of the third sector on a sustainable footing?

Mat Ilic: There is one point I wanted to add at the outset. This is just my own view and, hopefully, it will come to be true. We should try to divorce the day one services that are currently being procured by the Ministry of Justice from the intention and the likely mechanisms of the dynamic framework going forward, which, as Laura explained, will likely carry much more localised and locally shaped activity that will be organised around the specific needs of a particular region or group and, therefore, lend itself to a much more discursive, collegiate and collaborative approach to building the service proposition.



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I view day one services as the insurance policy that will make sure that on 1 July next year, when the National Probation Service takes all responsibility for offender management, there is some provision that will ensure that people are not leaving prison into homelessness, that they are being enabled into work and that they are being supported in their wellbeing in other ways.

In terms of the voluntary sector role in sustainability, there is definitely something to be said about how, beyond this period, the National Probation Service engages with its outside stakeholders, in particular the non-statutory funders of voluntary activity in the criminal justice system. Dare I say, this is something that will be quite a steep learning curve for a service that has spent a lot of time since 2014 focusing on its bread and butter work—which has been right—of managing high-risk offenders and providing pre-sentence reports among other things.

There will be a whole new process and experience of working with local stakeholders, with the voluntary sector included in that, plus trying to leverage funding from non-probation sources to support that local ecosystem development. I see the dynamic framework as something that is only starting up and something that will be much bigger than the current day one procurement processes.

Laura Seebohm: I hope that is right. In terms of what can be done, the current commissioning model, which Jess and Mat have already talked about, is set up for commercial contracting; it is incredibly complex and takes a huge amount of digesting. It is important to say that the difficulty for the voluntary and community sector is not lack of capability. As a sector, it has huge capability and has managed to survive and thrive, often in adverse circumstances. It is basically about capacity.

Changing Lives, which I work for, is a relatively large charity and we have two people in our business development team to work on those bids. Some of the private sector organisations have tens of people. In small specialist organisations, it is usually the chief exec who does all of that work. That is the reality. Small organisations are not able to compete in their own right, because of the size of the contract areas, and, therefore, they are very much dependent on the ethics of the larger charities, or the primes, treating them properly. I hope that, if commissioning goes to regional directors, they will consider looking at the grants process rather than at more commercial contracting, making sure that we have a diverse and thriving voluntary sector, because that is what we need to make sure that people resettle and rehabilitate from crime.

Jessica Mullen: I want to add to that point of Laura's. It is really important that we start to see grant funding at a more local level, in order to ensure the sustainability of small and specialist organisations. Mat's point about day one services needing to be divorced somewhat is true to some extent. There is also a risk that it will be some time before regional probation directors are in a position to start commissioning the



day two or beyond services. We need to think about what happens in the meantime and whether by that point organisations will still be there to be commissioned, particularly given the impact of Covid.

That is an issue that cannot rest on the shoulders of probation alone. Probation is a very significant part of the voluntary sector's work in criminal justice, but it is wider than that and we need a joined-up approach from the whole criminal justice system to sustainability of the voluntary sector.

Q73 Paula Barker: I would like to concentrate on the dynamic framework. I would be interested to understand your views on whether the dynamic framework makes it easier for a wide range of third sector organisations to be involved in the provision of probation services. If yes, how, and, if no, what more needs to be done?

Mat Ilic: As colleagues have said, it is an extremely commercial process. It is the wrong tool for the job if you are trying to get voluntary sector engagement. I can think of a couple of very practical things. One of the pre-qualification questions in the original format asks what your annual profit margin is. If you are a not-for-profit organisation, profit margins are hardly relevant nomenclature.

In addition to the capacity issues that Laura pointed to, symbols and language are important in encouraging or discouraging. There is clearly a slight gulf between the stated political intent behind the policy change and the practical tools that are being used to bring it into reality through contracting.

Once you look through to the other side of that, when, as we have, you have made it on to the framework, you realise that that stuff is the means to the end. You need to go through it in order to understand that it might not actually be the determining feature. It is a process by which Ministry of Justice officials can ascertain whether organisations are solvent, viable and bona fide. It is not appropriate, in all the ways that have been described, but it is the mechanism that Government are very used to. I look forward to much larger-scale procurement reform in Government, as has been signalled more than once, and hope that something like this will be a way towards it.

In the future, I guess the dynamic framework pre-qualifies organisations and, therefore, allows future call-offs to happen in a much swifter way and, hopefully, with much less burdening bureaucracy involved. But that is yet to be seen.

Jessica Mullen: I agree with everything that Mat said. I do not want to repeat the detail that is in our written submission, but I will highlight one example of the complexity and the barrier that it is creating. As of the end of August, the MOJ had informed us that 150 organisations had completed selection questionnaires and that at least 60% of those were voluntary sector organisations. On the face of it, that seems like quite a



healthy number, but we know that about 1,700 organisations work in criminal justice in the voluntary sector, and about half to two thirds of them work in the probation space.

We are concerned that not all of those organisations are engaging. I think that is to do with both the complexity of qualifying in the first place and everything Mat said. It is very daunting and the language is not what the voluntary sector is used to. Once you start to get into the actual call-off competitions, it is quite daunting; there are a number of requirements, either legal or IT, and issues around TUPE and pension liabilities, which in many ways are unavoidable, but will present a significant barrier to small and specialist organisations.

The officials working on the programme have engaged really positively with us on the barriers and the challenges that we are raising, and are trying to do everything within their power to mitigate some of the barriers. There are real challenges in that because things are happening in a fast time period. When support is put in place, it is almost another burden on organisations to engage with the support in a short period of time. There are positives, but there are a number of structural issues that are incredibly challenging.

Laura Seebohm: I agree. We have highlighted quite a few of the issues already. A different one I would like to raise is that commissioning is continuing to be very much in silos. We have a range of different categories: accommodation; education, training and employment; and personal wellbeing, which has four categories. We welcome a holistic women's model, but it is very complex because the women's sector has to demonstrate that it can do all those other categories as well.

What worries me is that if it is commissioned in a siloed way, where a different organisation takes on each of those categories, the system will feel extremely complex for people with already multiple needs, because I imagine they would feel quite overwhelmed having to go to see a different person to meet each of their needs. People do not see their lives like that; their needs are interrelated. I worry that it is a model that is being set up in some ways to suit contract management and to make sure they can tick the boxes and say, "We have dealt with accommodation; we have dealt with training; we have dealt with these identified needs," rather than with the whole person in view.

One thing we learned during Covid from a lot of the people we work with in criminal justice is that they were saying that it was a relief that they didn't feel that every week they had to go to see a social worker, a parenting programme or a probation officer, or go to drug and alcohol treatment—all those different appointments. Where is the evidence that that has a great impact on people's lives? Some of it will, but it is an extremely complex system, to suit, in some ways, contract management rather than the individual.

Q74 **Paula Barker:** What impact has Covid-19 had in relation to the



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commissioning process, other than what you have just spoken about? What other issues have arisen in terms of Covid?

Jessica Mullen: I suppose I would touch on that more in terms of what it has done to the commissioning process; it has played a significant part in the cancellation of the probation delivery partner contract, in the reduction of the number of day one services being commissioned and in the fact that the accommodation and employment, training and education competitions are now to cover much wider geographical areas. That means that the number of opportunities for the sector has reduced, in terms of day one services.

We have some concerns about the sustainability of organisations that currently provide services around finance, benefits, debt, or alcohol addiction and dependencies, and, linked more to what Laura was saying, the holistic join-up of those services. It is incredibly difficult to engage successfully with an accommodation service if your finance, benefit and debt needs are not being addressed. There are some issues around that join-up.

That said, the other options that were open to the programme about how to mitigate the impact of Covid-19 probably would have had a more negative effect on the sector, and we might have seen things being taken back in-house entirely and not commissioned out. In many ways, the reform programme has not had much choice; none the less there are going to be some quite significant implications. That of course has also impacted on the voluntary sector's ability to engage in the commissioning process.

One of the key things we have been concerned about, which Laura was talking about earlier, is the fact that people do not have huge fundraising capability. For organisations that do, they were the staff who tended to be furloughed during Covid. The sector is now being required to engage in a complex commissioning process at a time when all their resources are focused on either organisational sustainability or meeting the heightened needs of their service users, and that is really challenging.

Laura Seebohm: I absolutely reflect everything Jess has said. It has been a most stressful situation for the sector. There has been some real learning, and I hope that that is not lost. An example would be that, as I mentioned, some people said they found that their relationship with the probation service shifted. We had a lot of people saying to us, "For the first time, we are being rung up and asked, 'How are you? Are you okay? Do you need a food parcel?'" That was a dramatic cultural shift from where we had got to with Transforming Rehabilitation, which was really around enforcement and management. Probation, in some ways, had culturally lost touch, because the power of the relationship is so important to somebody's desistance. That is really important.

Another small but powerful example is that the people we work with coming out of prison into the community were provided with telephones.



Therefore, they found it so much easier to keep in touch. The first two weeks on release are so stressful, and people have so much to do. They had the numbers saved for their accommodation provider and for benefits. Something as simple as that makes a huge difference. I hope that some of the learning from the coronavirus is maintained and kept in sight with the new commissioning.

Mat Ilic: I have a quick point to support what Laura said. I can see in some of the questions for the day one services a strong emphasis on creating a more agile way of engaging with service users, open to both face to face as well as approved online means and digital methods. There are some 3,000 words on digital and IT questions.

Whether it is a consequence of the pandemic or not, there is recognition, which perhaps even the inspectorates were very unfavourable towards previously, that a whole range of different means can be deployed to take account of particular disparities in context, including local lockdowns and future challenges of this sort. They are in the design thinking for the day one services, which is quite welcome. Colleagues have talked significantly about the broader impacts of Covid on the voluntary sector, capacity and capability, and I do not need to underline that.

Q75 **Paula Barker:** Forgive me if this was touched on. I joined the meeting late, due to IT problems. I would like to concentrate on the end of the probation delivery partner competition. What impact do you believe it will have on voluntary sector involvement in service delivery?

Laura Seebohm: It has changed the landscape for the voluntary and community sector. We mentioned before that private sector companies are now competing in the dynamic framework, which I think was designed for the voluntary and community sector. It is not a level playing field in things like bid-writing capacity. We have some great relationships with some of the primes we have worked with, but they are clearly using their experience with Transforming Rehabilitation and subcontracting organisations like Changing Lives to demonstrate that they have a track record, and, therefore, to exclude the voluntary and community sector.

An example would be where they have previously subcontracted to Changing Lives to deliver services for women. They can now say, "We have delivered these services to women, and we have this track record and this specialism." In some ways, the Transforming Rehabilitation process has given a greater advantage. I have real concerns about that. The voluntary and community sector is in expressions of interest in partnerships with some primes, but we have no idea if we have been included. We do not hear more than that, and there is a real mistrust as to whether the lessons of Transforming Rehabilitation have been learnt.

Mat Ilic: On PDP, we were actively involved in that competition with a specific strategic partner. I have to say that the way the Ministry of Justice handled their decision, much less the rationale, was disappointing. They led everyone towards the competition and up a hill—all in the



context of the pandemic—so there were some costs on both sides, not just private sector but voluntary sector endeavour, in that process too.

To Laura's point, it results in a smaller competition overall, which means a more intense competition on the dynamic framework, where previously it would have perhaps lent itself much more to charity sector providers. There is now greater accommodation of private sector organisations and perhaps much more intensified competition, whereas previously there would have been scope to create more interesting alliances. That is the reality we are in now. Like other organisations, we incurred some costs in the process of the PDP competition.

Q76 **Chair:** Jessica, do you have anything to add?

Jessica Mullen: I do not think I have anything to add to that. I agree with everything Laura and Mat have said.

Andy Slaughter: I was going to ask about the advantages and disadvantages of procuring services under the dynamic framework, but I think you have answered that already.

Chair: We have covered that.

Q77 **Andy Slaughter:** There are two points within that. What effect, if anything, will it have on sentencer confidence? Do you think there will be more certainty and, therefore, more willingness, or is there confusion there as well? You have talked about what happens on day one in terms of provision. Is there anything more you want to say about the gaps you think there will be in the service?

Mat Ilic: On the sentencer confidence point, that was one of the primary justifications for bringing offender management under one roof with the National Probation Service. There are corollaries with the broader prison service in being able to manage aspects of it centrally. Sentencer confidence flows from the fact that offender supervision is with one service, which is the National Probation Service. Hopefully, there will be appropriate accountability frameworks and checks and measures to continue to build that confidence.

On the day one services, I do not see any obvious glaring gaps. I endorse Laura's earlier point: the way these things are being commissioned is as almost individualised packages where I could end up being the provider of accommodation in the south-west while Laura ends up being the provider of finance, benefit and debt advice. People experience those things all at once, so it almost implies that there will be some inherent collaboration, whereas, in practice, there will be a period of bedding down and challenge around that. There is not necessarily an obvious gap. There will be a challenge around the horizontal integration of some services.

Jessica Mullen: On the sentencer confidence point, there is clearly the intention that there will be greater visibility of the services that the voluntary sector provides to sentencers, through a clearer, unified model



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and better opportunities for partnership working. The thing we hear a lot from the voluntary sector is that in the past there were more opportunities through local structures' engagement with sentencers, be that through pre-sentence reports or through sentencers understanding the services that were available in their area. We need to get back to that and develop it further and see it happening more. The new model gives opportunities for that, but we probably need to see more development of some of the local structures and how they will embed to know how it is going to work.

Beyond what I have already said about the reduction in the number of day one services that were initially planned to be commissioned, there are one or two other key gaps. We have for a long time been very concerned that there was no intention to commission the BAME service as a day one service, particularly in areas where we know there are high case loads. Commissioning that would have been more in line with the recommendations of the Lammy review and would have ensured that there was engagement with BAME-led organisations that have knowledge and expertise in their communities. That is not happening, which we are concerned about.

We have had some positive conversations about when it will happen and also about some of the complexities of how you do it. Currently, that call-off is talked about as a BAME service, which we probably all recognise makes very little sense. The idea that a Gypsy, a Traveller or a Roma person requires the same services as a young black man or the same services as a woman makes no sense at all. There needs to be quite a lot of work around that service specification, and we have had positive conversations about that and about engaging with the organisations that have the expertise to deliver it. We are concerned that it is not happening early enough; and, certainly in certain areas, we would like to see regional probation directors prioritising it.

There are a couple of smaller points to make about other gaps. It links to what Laura was saying earlier about the way in which the competitions are structured actually fitting with contract management. It is silo services. A lot of the voluntary sector services do not neatly fit into those boxes. There are some organisations that are struggling to see where they fit. They provide excellent services that have good outcomes, but are they employment or are they personal wellbeing? They sit somewhere in the middle, and, therefore, are going to struggle to compete in either category.

What that points to, and what we hope to see going forward, is a greater breadth of service being commissioned, which would include the day one services. There are a lot of requirements about working alongside the probation service on enforcement, but there are some organisations in the voluntary sector that do not see that as their role. They see it as undermining the trust they build with their clients. There needs to be a space for all of the different ways of working if we are to keep the



vibrancy of the voluntary sector that works alongside the probation service.

Laura Seebohm: I agree with that. In relation to sentencer confidence, one of the real shames of Transforming Rehabilitation was that the relationship between CRCs, the voluntary and community sector, and sentencers seemed to be severed, so I hope that we see a much more visible presence. We know that there was a reduction in pre-sentence reports. We have seen more short prison sentences, and especially some inappropriate sentences for women with dependent children, for people from the minoritised community, or for those with neurodiversity. Having a much more visible and vocal voluntary and community sector understanding of people's needs and what is going on for them is really helpful to sentencers. I would like to see that come back together.

In terms of the gaps in day one services, and building on what Jess said, in each local area, there are amazing community resources, and they play an integral part in people feeling a sense of belonging and connection, and all the things that we know play such a huge role in someone's sustained desistance from offending. It might look different in different areas. It is about utilising what is there, whether a community of place or of people. Those are the things that help people sustain their desistance. Rather than keeping silos in a very regimented way, making sure that we can use the amazing community resources that exist out there, and support a thriving sector, are the levers outside the criminal justice system that will make the biggest impact.

Q78 **Rob Butler:** I would like to pick up a little bit from some of the areas we have already talked about and focus on resettlement specifically. I know that that has featured in some of the comments you have made. Looking through your written evidence, all your organisations have been broadly supportive of the enhanced through-the-gate model and the work that has been done there. I see nodding. What do you think about the new resettlement model and making sure that it takes with it what you think is good about the enhanced through-the-gate model?

Mat Ilic: We have vast experience of it. We are a current resettlement through-the-gate provider as part of Transforming Rehabilitation. I am reliably informed that there is lack of clarity over how the current through-the-gate model will translate into the future system. There is more information to be published by the MOJ in December. The key thing to look out for will be the extent to which the enhanced through-the-gate processes and resources are ported over into the future model as the function is adopted by the National Probation Service.

One thing to query is whether resettlement in itself is a practice that operates either side of the prison gates and carries a specific combination of both jailcraft as well as an understanding of community resources and connecting that to some of the opportunities that Laura talked about, and whether it needs greater embellishment, reflection and representation in the future model. Indeed, aspects of it could inform the future dynamic



framework. We have been hugely reassured by how the enhanced model has worked. The additional resources have been beneficial and universally accepted as such.

Q79 **Rob Butler:** What are the specific elements of the enhanced through-the-gate model that you think we need to look out for and make sure are carried across?

Mat Ilic: Good question. I am not necessarily the most knowledgeable on that particular topic. If it helps to submit some further written evidence on it, we will be happy to do so.

Q80 **Rob Butler:** That would be much appreciated. Thank you. Laura?

Laura Seebohm: I absolutely agree with Mat. We have enhanced through-the-gate services at Changing Lives, and we have seen clear improvement in outcomes for people. Our teams tell us that some of that is because from day one they get to know somebody. They know about them. They know they have come into prison, and they start to learn about their needs. They can really start to get going. Their concern is that the learning from enhanced through the gate will not be kept. For example, they see it as absolutely vital that the supporting people, who support people with their accommodation when they come out, which is so crucial, are based in prison and are actively involved, rather than in-reach.

Our teams are concerned, as Mat said, that it is very unclear what it is going to look like. There is nervousness about whether the new model is being co-produced with the prison. The actual reality of prison life is clearance, getting space to see people if it is in-reach, with probation officers coming in, and the operational capacity of prisons to deliver. Are prisons involved in that planning and modelling or not? We don't know, to be honest; or I don't know. The nervousness of our teams is that maybe they are not.

Jessica Mullen: I agree with what has been said. One of the key benefits of the enhanced through-the-gate model that we hear from the sector is around the benefits of co-location. What could be lost is the impact of the integration of services between the prison and the probation service, and the way the voluntary sector can interact with both of those together and work across them.

Going forward, there are a lot of questions around how it integrates with the OMiC model. We know that OMiC has not been fully rolled out, and Covid has impacted that as well. If more detail is to be forthcoming, it raises a question about the role of the voluntary sector in resettlement. The day one service specifications already show a more limited role in resettlement for the voluntary sector. The pieces of that jigsaw puzzle might not join up as well as they have in the enhanced through-the-gate service and we might lose some of the pieces.

Q81 **Rob Butler:** Are there any thoughts on the resource that has been



allocated to resettlement? Do you have visibility of what sort of resource is going to be allocated to resettlement?

Jessica Mullen: It is quite unclear. We try to unpick it by looking at the service specifications and other things. There is only a pre-release requirement in the service specifications for accommodation and personal wellbeing, and those elements in the women's contract as well. In that sense, there is less resource for through-the-gate services than there is currently in terms of going to the voluntary sector. The idea is that some of that gets picked up by the responsible officer playing an in-reach role. There are questions about what an in-reach role means and there are issues with it, based on what Laura was saying about location in the prison.

Q82 **Rob Butler:** Mat, do you want to come in?

Mat Ilic: I have a couple of points. One is on Jess's piece about the future role of the voluntary sector in resettlement. It is already clear that there is going to be a bit of a patchwork quilt as to what expectation there is for in-custody co-location for providers of accommodation support services. If you are trying to avoid a number of people being released from prison with no fixed abode, ideally you would have the right resource working with them in custody, substantively pre-release, to enable those outcomes to happen. It seems that, in the specifications as presented, there is no current guarantee that co-location will be possible for every single prison in every single contract area. That is an immediate flag.

On the point about resourcing, what has been borne out over the last few years is that through the gate and resettlement has had its own sufficient and dedicated independent management structure, separate from all the other functions, and, in a service-level context, one that is possible to performance manage and quality assure in a very clearcut way. For all the constraints that might arise from that, it is a very clear and defined structure, with its own service-level expectations around how frequently it sees people, the preparation of resettlement plans, the completion of some of the outcomes and objectives in those plans, and connection to the outside world. One of the things to keep an eye on will be the extent to which there is a very defined structure in the new model, with its own clear accountability frameworks.

Q83 **Rob Butler:** Laura, you highlighted the fact that during Covid, when people were leaving prison, they were provided with phones with pre-programmed numbers, which sounds eminently sensible. Is there anything else positive on through the gate that has happened through Covid that we ought to try to maintain, or is that something you perhaps want a little bit of time to think about and write to us about?

Laura Seebohm: It has been difficult for people in prison. There is huge potential for digital engagement. I know that is something the Ministry of Justice is looking into and it is incredibly complex. Some of our prison



buildings are so old. I appreciate the complexity. People in prison having connections with the outside community is huge. It is such a missed opportunity if we do not use this to start to build more digital connection to people in prison.

Mat Ilic: I have a couple of examples that are not specific to criminal justice but are relevant. One is that the Cabinet Office has taken a number of measures to create greater flexibility in how public procurement and contract management processes work in the context of the pandemic, creating greater dexterity and collaboration with providers. The extent to which the spirit of that can be channelled in the future for dynamic framework call-offs would serve us in good stead in building much more involved and collaborative processes for specifications.

The other thing is that we should take a lot of inspiration from the way that the Government have, quite successfully, from what I could see, dealt with rough sleeping in the current context. Prison leavers account for up to a third of rough sleepers. It is something to consider in the future around accommodation provision and, indeed, any auxiliary services that the MOJ might draw on in order to facilitate those types of outcomes. The pandemic has shown that, where there is a will, you can find a way to move the needle on some pretty serious issues that have been around for some time.

Jessica Mullen: I do not have much to add. The point about giving providers the flexibility to meet needs as needs shift and change is absolutely vital. We saw that through the pandemic. Organisations were telling us that they were suddenly having to provide phone credit in ways they never had before, because, to access services, people needed to use their mobile phone; the services were all shut and that was the only way you could get in touch with anyone. I completely echo Mat's point about accommodation.

Q84 **Andy Slaughter:** I want to ask about transition. HMPPS said: "We intend to end contracts [with CRCs] in summer 2021 when new arrangements for probation will come fully into effect. This will ensure a smooth transition, focusing on seamless continuity of public protection and rehabilitation in the community." Is that how you see it from a voluntary sector perspective, or do you have concerns? If so, are they compounded by the current effect of Covid?

Mat Ilic: This is a very quick, practical one from the perspective of an organisation that currently has staff involved in probation delivery and is, therefore, subject to that transition as much as existing CRC staff are. Broadly speaking, there is a sense of anxiety. We are experiencing attrition in some areas, because, on the whole, there is quite a lot of recruitment happening across the criminal justice system, whether it is the probation service or police officers. There is a level of buoyancy where people are not enjoying the uncertainty associated with the transfer to the future system.



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There has been mixed communication quality around the TUPE obligations. From our perspective as an organisation, we are trying to anticipate where we might end up in relation to day one services and the extent to which we can support the transition of a number of our existing colleagues to those services, squaring that against the reality that it is more likely that we will also be supporting some folks who are coming across either from current CRC or other voluntary sector organisations into those services as part of the TUPE list.

There is a pretty challenging transfer on all sides of potential personnel, which runs the risk of creating a lot of instability. These are things that we experience all the time, and I do not think that prolonging it will necessarily change anything. If anything, it might prolong the uncertainty, rather than us trying to arrive in a place where we can manage the change arising from transition.

Laura Seebom: I agree. It is really challenging. There is a lot of information we need to constantly provide CRCs and the NPS around TUPE and our staffing. At Changing Lives, we are big enough to have an HR team, but many voluntary sector organisations do not. It is probably the chief exec who does that, as well as going through dynamic framework and Covid, and providing their existing services.

It is a challenging arena. There is anxiety. Some of our staff know that they will be TUPE-ed to the National Probation Service. Some know that they will be TUPE-ed to whoever is successful in the dynamic framework, and they have no idea who that will be. It is quite a long wait, with that level of uncertainty.

Saying that, I do not think that anyone, from my experience, has particular criticism. It is how it is. I do not see a way that they could avoid it. I have not heard people say it is being done badly in any way.

Jessica Mullen: One of the things we have heard from some organisations is a bit of confusion as organisations are requested to provide information about staff who might be eligible for TUPE, and confusion over which contract they then might fit into in the future, because some staff work across a number of service areas. We are hearing that organisations are slightly concerned that the information they provide may not be of a quality to then provide good information when they go on to bid for those services in the future. For those organisations, seeing it from both sides, it is a bit bamboozling.

Generally, the pace at which everything is happening means there is a huge amount of information coming out, and that adds to the confusion. That information is so changeable. What we are concerned about in the transition is the real risk to the sustainability of the sector. In the context of Covid, any resilience the sector had—it is a characteristically adaptable and resilient sector—has all but been wiped out. The capability of the sector to do things like subsidising contracts as it has in the past is



incredibly minimised at this stage. For organisations who do not see day one opportunities, waiting for day two might be too late.

Chair: That has all been very helpful. Thank you very much. It was very succinctly done, so I am very grateful to all of you for your assistance and your evidence this afternoon. It is much appreciated. Thank you very much for your time.

Examination of witness

Witness: David Lloyd.

Q85 **Chair:** Mr Lloyd, it is good to see you again. You are the police and crime commissioner for Hertfordshire and you also represent the Association of Police and Crime Commissioners. Thank you very much for the evidence submitted by the association.

David Lloyd: It is good to see you, too. Thank you very much for inviting me. Would you like me to give a very brief overview and then perhaps move to questions?

Q86 **Chair:** We can have a very quick overview and go to James Daly for questions after that.

David Lloyd: You do not need me to say that I believe very much that, with the right integrated offender management and probation, we can make a step change in reducing reoffending. The broad view of PCCs is that we welcome the change to a new probation model. The general conclusion is that the last attempt to transform rehabilitation did not work. PCCs have a legitimate interest in how the probation service works. We need more reassurance that we have learned the lessons from the failure of the last system. Although working with regional probation directors is a much improved way forward, there needs to be more formalisation of the PCC role in probation governance.

I repeat the bit that I have probably said each time I have sat before you: until there is one person democratically accountable for the whole criminal justice system, as there is for each constabulary, it is difficult to set a plan and a budget, and appoint the operational lead and hold them to account.

I am very happy to answer any questions you may have of me and the evidence I have given on behalf of the APCC.

Q87 **James Daly:** Mr Lloyd, I am probably going to ask a similar question to the one you have just answered. You will have to forgive me in that respect. The question I was going to ask was about the role of the PCC in relation to probation. Could you explain the statutory role, or what the Government require you to do if there is such legislation in place?

David Lloyd: That is a very good question and in some ways it leads on to how it might be expanded. The role is rooted in the requirement in the



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Police Reform and Social Responsibility Act 2011 for PCCs to work collaboratively with local criminal justice partners to provide an efficient and effective criminal justice system for the area, and for senior elected criminal justice system leaders to provide strategic leadership, oversight, transparency and accountability for the CJS at local level. We discharge that primarily through senior local partnership forums, such as local criminal justice boards, which most PCCs chair, as well as bilaterally.

We also have a role in reducing reoffending, which flows from that. The probation service is one of the key local CJS partners. PCCs have some responsibility for reducing reoffending locally, and we often work either by commissioning or co-commissioning rehabilitative services to reduce reoffending. That is an area where many PCCs are taking forward work commissioning and co-commissioning with existing CRCs, other partners and the third sector.

We do not receive specific funding or budget for that work, so the fact that so many of my colleagues are already stepping into that space is an indication of the level of interest in reducing reoffending and the priority they are giving it. For example, in the last couple of weeks I have agreed £25,000 for employment training and education provision, which is being matched with some funding from the National Probation Service.

Q88 James Daly: That is a very interesting answer for somebody who was involved in the criminal justice system for many years as a defence solicitor. As you have democratic responsibility for the police service in Hertfordshire, how do the police, who are obviously very much aware of offenders and their personal circumstances, work as one of those partners, with you and the probation service? Do you have a view as to how that can work in the best possible way?

David Lloyd: We are working very hard on what is known as integrated offender management. There has been a re-booting of it because I do not think that the constabularies work closely enough at the moment with probation. To an extent, when CRCs were stand-alone private companies, there was even less working across and sharing of databases around those very same people. As you allude to in the question, there is much more we can do in ensuring that the top offenders we know about are exactly the same offenders who are known about by probation, and we are working together on programmes with them.

Q89 James Daly: What effect has Transforming Rehabilitation had on the involvement of PCCs in probation?

David Lloyd: Largely, it has had a negative impact on the role of PCCs. As I said back in 2017, Transforming Rehabilitation produced large probation areas that did not take any account of local constabulary areas and local PCCs, and those areas constrained local flexibility and stifled innovation. It is fair to say that in many areas PCCs struggled to create a relationship with their CRCs and probation, which meant that we were not able to engage meaningfully. The problem over the last few years was



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oversight of the service. It was not about public or private sector; oversight of the service was not in the hands of the criminal justice board and, therefore, was very difficult to influence.

I still have a concern as to how the new model will be accountable, because I know the old model was not accountable. The issues came down to resources. Often, CRCs did not have enough resource to engage with local partners to the extent that I am sure they wished to. There was lack of understanding of who did what within the criminal justice system, and certainly lack of understanding of the role of the PCC as a key local partner. Frankly, there was complexity. A two-tier approach meant that it was not always entirely clear who did what—whether it was probation or the CRC—and who had responsibility.

My fear is that if you have a centralised approach you always stifle local innovation, and what PCCs are about, as many of us are about, is localism and local innovation. We need to make sure that we do not repeat those flaws in the effective local partnership working that we must make sure happens in the new system.

Q90 **Rob Butler:** You touched on localism. What is your view on the proposed commissioning model at the moment? Do you feel that it will offer suitable means of meeting local need? I understand there are some concerns that it is moving a bit to the regional rather than the local. If you could expand on that, I would be very grateful.

David Lloyd: On a positive note, regional probation directors have approached PCC offices to ask us to take part in big evaluations. I think there is some positivity, but I still do not feel that it yet gets to where it should be.

PCCs are well placed to understand local needs and the local delivery landscape. Regional probation directors cover a much wider area. Our offices already take forward a lot of that commissioning, and we could do more of it. The question for me is whether the probation service model allows the best use of our expertise, in partnership with the probation service. I am not convinced that it does.

Because there is no legislative requirement to work with us, there is a real danger that they will get on and do their own thing. I feel that probation works only when it is part of a multi-agency approach, as I said at the top of my remarks. It needs to be cross-agency to be able to reduce reoffending, and there is a danger that they will try to do it on their own.

Q91 **Rob Butler:** Can you give us an idea of what in your perfect world the role of PCCs and/or the police themselves would be in reducing reoffending and, if you like, stepping into the territory currently held by probation?

David Lloyd: In my ideal world, a PCC should take the political hit of responsibility and accountability for reducing reoffending. To do that, the



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PCC would have exactly the same role with probation as they would have with their local constabulary; they appoint the person who is in charge of the operational running, they set the plan and the budget and they are held to account for it.

It will take some while to get to that point, but that is the only way the public will have democratic oversight of what is happening around criminal justice. We need to be able to hold someone to account. I suppose I am brave enough to say that in Hertfordshire I am perfectly happy to be held to account for what happens, as long as I have those other levers of power.

As with the constabulary, operational day-to-day engagement is not for an elected politician to do, but you need somewhere to be able to set the budget and the plan. I am perfectly content that that role is not necessarily solely the PCC's, but were you able to take it to the criminal justice board, which has a whole group of people in the local criminal justice system sitting on it, you should be able to produce a plan that works. That is the way we would bring it together so that we reduce reoffending.

Q92 Chair: David, do you see any opportunities with the new model to improve the position around sentencer confidence? You deal with sentencers quite a lot in your work with other elements of the criminal justice system. Are there opportunities there? If so, how do you think we can perhaps make the most of them?

David Lloyd: I missed the beginning of that question.

Chair: I was talking about improving sentencer confidence.

David Lloyd: I think what I have picked up are the new sentencing guidelines. Is that it?

Q93 Chair: There was a bit of concern under the previous system that, for example, when the person supervising someone and doing the reports did not go to court, judges and magistrates were sometimes reluctant to impose community orders and so on, because they did not have confidence in the follow-through. Do you think there is something we can do from the PCC angle with the new system to improve that?

David Lloyd: I do. It has advantages in terms of both transparency and oversight of local performance, especially the unpaid work bit, which can be better tailored to local circumstances. It is relevant to the role of the PCC. As the senior local CJS leader, they will have a key role in working closely with the regional probation director on how services are delivered locally in partnership with the NPS, which helps to shape those services. I think they are far more likely to be delivered if there is someone local ensuring that they are delivered, not going out every time to check that they are, but checking the person who is checking. I think that could work well.



Q94 **Chair:** That is very clear. We are very grateful to you for your time and your evidence. It has elaborated what you set out in the submissions very helpfully for us.

David Lloyd: I look forward to coming back to talk about the really big issue at the moment, which is the backlog in courts. It all links together. I cannot remember who said that everything is linked, but I think the backlog in courts is linked to all of this, so I look forward to giving evidence on it.

Chair: We look forward to it. We will be moving on to that after the half-term break.

Examination of witnesses

Witnesses: Ian Lawrence, Katie Lomas and Ben Priestley.

Q95 **Chair:** We now move to our third panel of witnesses—last but not least. Thank you for your patience. I would be very grateful if our three witnesses would introduce themselves.

Ian Lawrence: I am Ian Lawrence, general secretary of Napo. Thank you for this opportunity, and good afternoon to everybody.

Katie Lomas: I am Katie Lomas. I am the national chair at Napo, and I am a probation officer.

Ben Priestley: I am Ben Priestley, national officer with Unison.

Q96 **Chair:** Thank you all very much for coming to help us with your evidence, and thanks for the written evidence that your organisations have put in. I go back to what I asked the first panel. This is the second time we have had a major reform of the system in five years. This Committee concluded, as I think you agreed, that the first one did not work out too well. Do you think this one will be better?

Ian Lawrence: We obviously welcome the prospect of a reunified service, and so do the members we represent, but we cannot gloss over the impact that two major reforms have had on all staff across the NPS and CRCs in terms of stress, high workloads and, as we have said to you before, the fragmentation of services that occurred from the start of the TR programme.

On support for staff generally, despite the positive outcomes of the staff transfer and protection agreement that will underpin the reunified model, and the excellent engagement we have had with senior management, there is still uncertainty for many staff and a lot of work to do as well. We have not had time to celebrate the reunification; we have been too busy working on the future programme.

To alleviate that, we think it will be useful to see more consistent communications from the CRCs—we know they are trying their best and we understand that—and staff being provided with clear answers from



their senior leaders going forward about what the transition means for them, in the lead-in to the unified model and the publication of the revised operational blueprint, which we understand is due next spring. Ben Priestley wants to add to my answer, if possible.

Ben Priestley: It is very clear that the vast majority of our members support the unified model. It is clearly a step in the right direction; 86% of the members we surveyed recently in support of our submission to the Committee's inquiry said they support the unified model.

To pick up on one of Ian's points, there is a worryingly large minority of members in both the CRCs and the NPS who simply feel that they do not have enough information about the new model to say whether they think it will work. The Committee asked whether the unified model would improve the confidence of sentencers in community sentences. A large proportion of our members—41%—said they did not know whether that was the case, and 38% said they did not know whether the unified model would improve and strengthen collaboration and integration between prisons and probation. Fairly fundamental claims are being made for the unified model, which we support, as our sister union does, but on which staff do not feel they have the information. It goes back to Ian's point that we need much better communication between HMPPS and the workforce in both the NPS and the CRCs in order that the staff can really get engaged with the project and throw their weight and support behind it.

Q97 **Richard Burgon:** We know that the transforming probation privatisation was driven by ideology, not evidence, and that it was opposed by Napo and Unison. I have two questions. First, how confident is the panel that this new programme of reforms is going to repair the damage done to the probation service in the long term? Secondly, what broader lessons does the panel think the Government should learn from the failure of probation privatisation?

Katie Lomas: One of the key things when thinking about whether it will work is, are we setting it up to work? The previous model, Transforming Rehabilitation, did not work, would not work and could never work. We think that a unified model can work, given the right amount of resource. When we talk about resource we do not mean just putting money into budgets, but making sure that we have the right number of staff, and that right across the system it is properly resourced, not just probation employers but all the other parts of the system that feed into probation and positive outcomes for probation clients. It is not just about saying, "Okay, we've tried it one way and it didn't work. Let's try it another way." It is about saying, "This is the model we are committed to and we're going to resource it properly."

I want to say a couple of things about the unified model. The model that is currently being pursued is unified in many parts, but not all. We still retain the dynamic framework for the provision of some services. While we are not opposed to having local providers of specialist services



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involved in the system, doing their best with their skills and experience, it is not clear that the model actually delivers that. I listened to the evidence of colleagues earlier who expressed exactly the same concerns. The way the contracts for the dynamic framework are being set up removes them from the local focus and means that it is far more likely that larger organisations that can provide a national spread will be given those contracts, rather than genuine smaller local organisations.

There are lessons to be learned from what happened in Transforming Rehabilitation. The key lesson that we do not believe has yet been woven into the current design is local focus and local responsiveness. We need to be able to work in a way that suits the needs of clients and communities in the area where we operate. It is no good doing the same thing in London as you do in rural areas of Lincolnshire. The two approaches need to be completely different, and they will involve different partners and different ways of working. The big lesson not yet learned is localism.

Ben Priestley: To return to Katie's point, which David also made in respect of the APCC submission, Unison supports the localisation of probation services, and the role of police and crime commissioners is absolutely integral to that. We certainly favour the devolution of political control to PCCs. I appreciate that is not within the bounds of this particular inquiry, but I want to put it on the record because there is a great deal of support for it in the sector.

How confident are we that the reforms will work? It comes down to the points Katie mentioned around resourcing. The unions have written both to the Minister and to senior leaders in HMPPS to get a guarantee, as far as we can, that the CSR submission that the MOJ is making and the probation programme budget for the unified model are adequately resourced. We know that probation lost money during the Transforming Rehabilitation reforms, and it is absolutely critical that the service gets the funding from the Treasury in the forthcoming CSR and in the probation programme budget for it to work. It is about staffing, pay and the quality of the estate that probation staff have to work in.

If we go back to the HMIP report delivered in January this year on NPS central functions, with which I know colleagues on the Committee will be familiar, there was a long list of deficiencies identified by the inspectorate about poor-quality offices, staff not being paid correctly, difficulties in training, access to IT and a failing facilities management contract. All those issues need to be addressed.

On the issue of future procurement, what we know about procurement for the dynamic framework is that it is complex. There are four key strands, with which I think the Committee is familiar. The contracts will themselves be divided up in relation to a locality. For our members who are transferring potentially to a dynamic framework, it is very important to keep in mind that not all CRC staff will transfer to the National Probation Service. Admittedly, a small proportion of our members, but a



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proportion none the less, will go to the dynamic framework. At this point in time, because of the staggered nature of the procurement process and the award of contracts, those staff do not yet know where they will be working. That is a major cause of concern for us.

There must be a question mark over the track record of the Ministry of Justice commercial department in specifying and managing contracts. Clearly, that has not been a success story over the last five years, and there must be some real question marks over that. I emphasise that it is about funding. If the NPS and the dynamic framework do not get the funding they need, I do not think any of us can be confident of the success of the unified model.

Q98 Miss Dines: I am the MP for Derbyshire Dales. I am fairly new on the Committee, since the December election.

Probation officers are clearly a huge national asset, and I have every confidence that you will make this transfer work. What challenges do you see and how can they be overcome to make sure that we have an effective new regime in place?

Katie Lomas: Welcome to the Committee, and thank you for your question. We have to look at a couple of things. Obviously, the timescale and the timing of the reforms are key. On the timescale, we are making big changes to the probation system, again, in a relatively short space of time. On the timing, it comes in the midst of the response to a global pandemic, with our exceptional delivery models in place to make sure that the service can continue to run while keeping everyone as safe as possible. There is a chance that we can make it work, but there are various things we need to be mindful of and on which we need progress in order that the transfer happens.

Staff who transfer next year from CRCs to the National Probation Service will face some challenges, such as vetting processes. We have serious concerns already about some of the vetting processes our members have to undertake. It is not employment vetting. There is a new requirement for staff in the National Probation Service to undergo police vetting in order to use a police computer system to record and share information.

While we have no issue with recording and sharing information, which is a huge part of the probation job, the vetting process is quite different from the vetting process we have in our employment. For example, it discriminates against people who have lived experience in the criminal justice system. People with those experiences are important in the probation system and have a real role to play in the future of probation. We have concerns that staff who are currently working in CRCs and have the lived experience of being in the criminal justice system will be frozen out through the vetting processes as they transfer over.

We have even seen examples of people failing the police vetting on the basis of their family connections, in some cases because they were a



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victim of crime. We continue to raise serious concerns about that, and it will become even more apparent when the CRCs transfer in. A lot of the work, for example providing peer mentors, is done through the CRCs, and those people will be transferring to the National Probation Service next year.

We have some questions about probation qualifications. Some CRCs made different decisions about which qualifications were appropriate to which role. There will be members of staff working in CRCs now who do not have the qualification that the National Probation Service will expect them to have to carry out their role. We think it is important that staff placed in that position, through no fault of their own, have the right kind of support and guidance either to gain an appropriate qualification or to move to an alternative role that allows them to use their skills and experience.

We have concerns about the ability of the shared service contracted-out HR system in the National Probation Service to manage the transfer in of almost 7,000 staff. When staff transferred in Wales, the transfer went relatively well on a process level, but that was a couple of hundred staff and this is almost 7,000. What we learned from the original transfer into the NPS from the probation trust in 2014 was that shared services do not manage difference well. If there is any difference in people's terms and conditions, job title or anything like that, we have a real concern that shared services will not be able to cope and adapt, which means months, potentially years, of misery for our members, if their pay is incorrect and they are hounded for repayment of overpayments and things like that.

We have concerns about information that might be transferred from the CRCs to shared services and whether it will be properly stored, transferred and kept. We have gone through a process in the National Probation Service where all staff had to re-evidence their qualifications because, even though it was evidenced to the probation trust prior to TR, the National Probation Service did not have those records. They were either never transferred or transferred in a format that it did not recognise, which has meant that some members have even had to pay for new certificates so that they can evidence a qualification, sometimes from decades ago. We have a lot of concerns about the practical issues.

Members need to be able to ask questions about what will happen to them when they transfer. They need to ask questions about what role they will have. What will it feel like? What will it look like? Will they be working in the same way with clients? Will they be doing different tasks? At the moment, it is very difficult for them to get reliable answers to those questions, and they end up relying on things they hear from other people that may have more or less basis in truth. There are a great many challenges in the move to a brand-new way of working right across the probation system.

Q99 **Miss Dines:** This is a question to Ben in relation to the Unison report.



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You reported that there was very much the existence of an us and them culture between CRC and NPS staff. How do you think that can be addressed? Is it really a significant problem? As you are all professionals, won't you be able to work together for the national good?

Ben Priestley: That would be everyone's wish. I am sure that there are no members of the probation workforce who do not share that aim and objective. The difficulty is that Transforming Rehabilitation took a single, unified service that was working well, was a local service and had good local links, and broke it apart. Obviously, putting back together something that has been broken is a lot more difficult than would have been the case had it not been broken in the first place, and a lot more costly, to come back to the cost issue.

One of the key issues that we identified in the recent survey that we did in support of our submission to the Committee's inquiry this time, to find out exactly how members were feeling four or five years after the split in 2014-15, was that it is very clear that there is a two-tier feel about the workforce now. Some of the testimony that we put into our written submission to the inquiry sets that out very vividly. There are many more examples that we can certainly supply to the Committee, if necessary.

We did not have any sense that it was going to be an easy or quick fix. Staff in the CRCs feel that they have had a sort of second-class status foisted on them, through no fault of their own, clearly. They are doing the same professional work as our members in the National Probation Service. However, the decision under the previous Government to separate the service into a service dealing with high-risk cases, the NPS, and a service dealing with medium and low-risk cases and interventions, the CRCs, created the sense that the CRCs were somehow less important and less valuable. Their staff were deemed to be less qualified, less trained and so on. Of course, as trade unions, we know that that is not true. Our members in both parts of the service are doing an equally difficult job, in very demanding circumstances, but the testimony is clear to see.

What do we need to do about that? There is an understanding among HMPPS senior managers that there is a problem. The first step that you have to take to resolve an issue is to accept that there is a problem that needs to be dealt with. I think there is willingness on the part of senior managers and leaders to do that, but it will not be an easy task. We had testimony from staff who came over from the Wales CRC into NPS Wales on 1 December last year, who said very clearly that, since they came into the NPS in Wales, they feel that they have not been treated with the professional accord and respect that they would expect. There is clearly a problem.

To deal with that, there needs to be a clear culture reset from the top of the organisation. We hope that that will be done. Staff need to be brought together. It relies on the recreation of a distinctive, definitive probation culture, resting on the values of the profession, which have got



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lost in the five years of the Transforming Rehabilitation experiment. It is the culture of a unified workforce, with professional colleagues working together as a team in one particular direction.

If we can get that culture re-established, through that kind of investment, we have a fighting chance, but it will rest on the terms and conditions being reunified. That is what the staff transfer and protections agreement that Ian mentioned at the outset will do. Our members have now voted for a package that will put all staff coming into the NPS from the CRCs on to National Probation Service terms and conditions from day one. That is obviously an important first step. Of course, it needs to be funded properly.

It is also very important from the probation culture aspect that probation is not subsumed and swallowed into a general HMPPS culture. We as unions are always having to take a stand against attempts to dissolve some of our practices and procedures into HMPPS practices and procedures. As long as we can hold those off and maintain the distinctive probation culture, we have a real chance of getting everyone working together to reset the culture, to welcome colleagues from the community rehabilitation companies and, in effect, to create a new organisation going forward.

Q100 Miss Dines: Can you expand on that briefly? What do you think is the culture of probation officers? You are all professionals. You can work together, I hope. What is the culture you are looking back at and want to recreate? Why not create a new culture?

Ben Priestley: Everyone is open to the potential to create a new culture. This will be a totally new organisation. It will be a much larger organisation, not quite doubling, but nearly so.

You are absolutely right. All probation staff, whatever their role, are working in a professional field, to a set of clearly established probation values. Our expectation is that, with the right message from the top of the organisation and the right funding to ensure that the service has the wherewithal to do what it needs to do, we can put the cultural differences aside and recreate the single workforce. That cultural change is something the organisation needs to invest in. Our understanding is that senior managers are alive to those issues and will want to work with the unions and staff to put that right.

Q101 Miss Dines: What are your views on the probation workforce strategy? Do you think that it addresses staffing issues with the probation service adequately?

Ian Lawrence: As I said earlier, we are working extremely positively with senior leaders. In the run-up to reunification, we worked with them on the staff transfer agreement you have heard about. We are now working on the crucial workforce strategy, which we are absolutely committed to. Within that, we hope to encompass all the key issues we



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have talked about thus far this afternoon. From the very positive engagement that we have had and the messages from people such as the director general of probation and Sonia Flynn, we are sure that we can move forward.

A word of caution, though; I have been around for quite some time, and I must have seen any number of workforce strategies launched by employers. Eventually, they go into the dust or get diluted down the track. You have heard enough from us already to understand how committed we are to seeing this new organisation prosper. We will do all we can, alongside our members and leaders everywhere, to imbue a new, refreshing culture and to see whether we can put some of the main focal points of the workforce strategy into operation.

It is a promising blueprint. There are a lot of promises, but, as people have said, staff need clear commitments and clear directives from the centre about what will be delivered for them, what their role will be going forward and what type of support we will get. In answering the question, we need to look across at the blame culture that, sadly, still exists in areas of probation. Katie wants to add something on that.

Katie Lomas: Over recent years, we have seen a blame culture developing, particularly around the process of learning lessons from serious further offences when they happen. We must move away from a process by which blame is assigned and back to a genuine learning opportunity, to understand what happened and why it happened, and to find anything that we can do to focus on change in the future.

That is not to say that we do not think that anybody should ever be called up on anything that they have done that is wrong, but when it is approached as a genuine learning opportunity—learning for individuals, as well as on an organisational level—we all get a better outcome. What is happening at the moment in too many cases is that there is a move first to a disciplinary investigation and we ask questions later. We would far rather move back to its being an opportunity for learning.

That moves us into thinking about and considering some of the things that we have mentioned around developing professional competency across the probation system. We have been working with HMPPS on this for some time. We have recently been consulted on moving away from the SPDR appraisal process to a much more supportive performance management system, but none of that is integrated with the current system of probation supervision.

All probation staff, particularly those who work on the frontline, need supervision that is not just about meeting the targets and fulfilling the requirements of their job description, but about the shared responsibility for risk with those who manage them. It is also about developing best practice and getting support when staff are working on the frontline in very trying circumstances, with clients who often display difficult behaviour and struggle to engage with professionals. Staff need more



support in managing those working relationships. The fact that the performance management framework does not acknowledge that supervision requirement and reduces supervision or one-to-ones simply to talking about whether someone has achieved the requirements on them if they want to move on in their career is really disappointing.

A recent HMIP report told us that SPOs—senior probation officers—were managing between 11 and 20 people at any one time and were able to spend only 20% of their time focusing on their case load. That shows you where support for those frontline staff is lacking in the system. Even if an SPO is only managing 11 people, that is 11 people they need to make time for every day, every week and every month of the year, to make sure that they are fulfilling all of those functions for them.

We have an urgent need to review the role of the senior probation officer/team manager in the support, supervision and management of frontline staff. We have been seeking to engage with HMPPS on that for some time. The problem is exacerbated in environments like OMiC, in prisons; managers working in prisons often have even bigger teams to manage. Those are teams of people from a probation and a prison background, so there is much more complexity, because they have different terms and conditions and are subject to different policies and procedures. The SPOs seem to be the forgotten few in the system at the moment. They desperately need a focus in order for the transition to work.

Q102 **Chair:** Are there any other observations?

Ben Priestley: Can I add a couple of things to what Ian and Katie have said? The probation workforce programme has a number of headings in it, one of which is around attracting and retaining a talented workforce. Of course, we are all in agreement with that. That will require a decent pay and conditions package. You would expect us as trade unions to say that, of course, but it is worth remembering at this point that in the last 10 years the monetary value of the pay points in probation pay scales has gone up by only 1%. That compares with 12% for police staff, 9% for health workers and 9% for local government workers.

Yes, we have had a number of pay awards where staff have progressed up their pay band. That is what generally happens to most public sector workers, so police officers and staff, health workers and local government workers will also have been progressing up their own pay bands, but they will have had an actual pay rise, in terms of the value of their pay points. The fact that probation staff have had a 1% pay rise over the last 10 years tells us just how far probation staff have fallen behind professionals in analogous contexts, such as social work, police work and work in the health service. That really will need to be put right.

Recently, the unions wrote to the Minister, Lucy Frazer, to ask for reassurances that the bid that is going in for the CSR will ensure that future pay reform is fully funded in the probation service. There are other



pay reforms that we need to see through in probation. We probably do not have time to go into those today, but we are in discussions with the probation employers about them at the moment.

Another section heading in the probation workforce programme is around wellbeing. We touched on some of the issues that are relevant to that in previous remarks by myself and Napo colleagues. A workload management tool that covers the entire workforce has already been identified by HMIP as a real need for the organisation. Until that is provided, there is a real danger that talented, qualified, ambitious individuals will come into the service and find, as Katie said, that the spans of control of managerial staff are just too high at the moment. You will get burnout and people not being prepared to stay in the organisation.

We need inclusive and supportive managers. Ian and Katie mentioned the blame culture. The organisation needs to find out what the lived experience of its staff is. At the moment, we are working with the organisation on a survey of black, Asian and minority ethnic staff in the service. Find out what your staff actually feel and think about their work. Listen to them. It is a simple lesson for employers to learn: listen to your workforce. The trade unions are here to enable the workforce to have a voice and to channel their views to the employer, so support for trade unions will be an integral part of the workforce programme going forward. Support unions to be the voice of the workforce. If you listen to staff, hear what they have to say and consult them before you make changes, you are well on the way to a successful workforce programme.

Q103 Andy Slaughter: Good afternoon, everyone. Talking about new probation officers coming on stream, HMPPS said that there will be 1,000 new officers in training by January. Do you think that is realistic? Do you know whether it includes the 600 existing vacancies or whether it is additional to that? Do you think it will address the excess case load problems? What are your answers to any or all of those points?

Katie Lomas: This is a really important question. It is easy to say, "There are 600 and something vacancies. We are bringing in 1,000 staff, so great—job done." But it is never that simple, is it? There were around 600 vacancies on one particular day. However, the vacancy rate goes up and down, as more people are recruited and more people leave. Since 2014, in particular, we have seen a greater number of people exiting before their ordinary retirement age than we saw previously, so we are losing more experienced staff than we are gaining.

Having 1,000 new probation officers sounds amazing, but they are not sitting in a cupboard somewhere just waiting to be brought out and into service. They have to be recruited, trained and developed. Probation training takes anywhere between 15 months and two years, depending on your prior qualifications. Once you have qualified, there is a need for you to be developed and supported in your role.



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We have real concerns that the 1,000 new recruits who are coming in will face a difficult time as they try to establish themselves, both throughout their training and after their training, as they take on their first qualified role. The reason we have those concerns is that there is a lack of experienced staff to support them, and the experienced staff have massive case loads. It is not uncommon to see people working at 140% of their capacity. That eats up any capacity that they have to help, support, mentor and guide new staff in their role and to help people's learning and development.

In addition, it is important to note that the only place the practice training assessors who support people through their probation, training and qualification can come from is the pool of qualified probation officers. When you bring in 1,000 new recruits, you have to have more PTAs to support them. Those PTAs further diminish the number of qualified probation officers who are able to manage the workload. It is a further drain on the manager resource. Again, senior probation officers can only come from the pool of qualified probation officers.

There is a need to stretch an already very thinly stretched resource even further in order to mend the situation, which is really difficult. That is why we have such a focus on the SPO role in particular. We recently restarted a consultation with HMPPS on the PTA role itself, looking at ways we can make sure both that new recruits are supported and helped during their qualification period and that that does not unduly stretch the already stretched resources working with clients at the moment.

We continue to see the longer-term knock-on effect of what happened in 2014. When the transfer-in happens in June next year, there will need to be a further reckoning on vacancy rates, because we are aware that many of the CRCs are carrying high numbers of vacancies. They will be transferring a group of staff, but also a group of vacancies, which will add to the problem. It is a very complex situation. We have serious concerns that mending the problem will exacerbate it at first.

Q104 **Andy Slaughter:** That is a common experience—with the police and the Prison Service as well—where there has been a massive loss of jobs over a period of years. Those are the most experienced people, on the whole, so at the moment you have novices coming in and then taking resources. Do you think that the employers appreciate that? Can they do anything about it, or are we going to see things get worse before they get better?

Katie Lomas: On the whole, the employers appreciate it, but there is very little they can do about it. It is something that we will feel as pain before it starts to get better.

There are some things that can be done. We can create additional resource among the staff group that exists. If you have the funding to do it, you can offer people currently working part time the opportunity to increase their hours. If you have a pool of probation officers who have that capacity, they can do that.



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In many areas, agency staff have been used as mentors. It is very inefficient to use agency staff to carry case loads, because turnover of worker is really damaging to our clients, but you can bring them in and use them for a year to two years to mentor a group of new recruits. That is far more effective than using agency staff to hold case loads or to backfill for people doing other work. There are some things that can be done, but you are absolutely right. We are going to feel this as pain and difficulty in the system before we see any of the beneficial effects of the 1,000 new recruits.

Chair: That is very helpful. We have talked generally about the challenges that your members have been facing with Covid-19. That has been an additional burden for everybody at this time. Before we conclude, we want as a Committee to put on record our appreciation of the work that all probation staff—members of both your unions—have been doing under particularly stressful and challenging circumstances. We are grateful to them. I hope you will pass on to your members our thanks for what they are doing.

Thank you very much for your helpful evidence and your time this afternoon. The evidence session is concluded.